

# Truth or Consequences Municipal Schools



Administrative Offices

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Received & Inspected

NOV 16 2011

FCC Mail Room

*The mission of the Truth or Consequences Municipal Schools, the heart of our community, is to inspire and nurture students to dream and develop the ability to pursue their dreams with courage and integrity through educational excellence reflective of academic achievement, cultural values, historical perspective, and future opportunities fostered by a dedicated and committed staff.*

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**This is an appeal regarding Notification of Commitment Adjustment Letter dated June 28, 2011 regarding FRN#1509542 FRN CC Docket No.02-6**

Contact: Mr. Tom Burris, Superintendent-Truth or Consequences Municipal Schools  
Alternate Contact: Theresa Crawford, Data Coordinator- Truth or Consequences Municipal Schools  
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Form 471: 546693

FRN: 1509542

BEN Entity Name: Truth or Consequences Municipal Schools

BEN: 143309

FCC Registration Number: 0014218176

Our appeal is in regards to the following language listed on the Notification of Commitment Adjustment Letter: "During the course of a review, it was determined that you did not conduct a fair and open competitive bidding process. Fair means that all bidders are treated the same and that no bidder has advance knowledge of the project information. Open means there are no secrets in the process such as information shared with one bidder but not with others and that all bidders know what is required of them. Specifically, the applicant awarded a contract to Decision Tree Technologies on December 14, 2006. However, documentation provided by the applicant indicated that the vendor selection process occurred on January 23, 2007. Since the vendor selection process was conducted after the contract award date, the competitive bidding process was compromised."

Truth or Consequences Municipal Schools Appeal:

In regards to FRN#150952, I am appealing to the FCC on the grounds that I found the dutifully reported the issues and have taken corrective steps to make sure this will not happen in the future. Your understanding and leniency would be greatly appreciated.

In the fall of 2008 I was presented with a contract between Decision Tree and the district for e rate internal connections services. I was told that this was a multiyear contract and it had been through the RFP process. Over the next year I observed and heard conversation about Decision Tree and the services provided. In the fall of 2009 I was presented with another "multiyear" contract with Decision Tree. This time the request had jumped by 50% and there was no new RFP. I began questioning our procedures and ultimately contacted our school district lawyer and the New Mexico State Auditor. I also contacted Funds For Learning and had them perform an audit. I came under quite a bit of criticism for the decision from my "Technology Director" and the "Technology Specialist" who actually completed all of our e rate applications and requirements. They said that e rate had audited the district in early 2008 and found no problems.

The FFL report did point out problems and I reported this to the State Auditor. The State Auditor referred the findings to USAC.

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The result was a selective review of the last five years. And, in the interim the Technology Director and the Technology Specialist have both resigned from the district.

We are a small school district and the findings of the FCC will be detrimental to kids. I know that you are aware of federal funding issues but the State of New Mexico educational funding is, as has been reported, "In Crisis". I have used attrition to reduce staff, cut some electives and had students pay for educational field trips. The FCC findings could constitute about 1.7% of my budget. I am trying to stay ahead of the declining state budget and this reduction, if required, would impact the school district's budget greatly.

I have made changes in the process and I am confident that we are in compliance. As I stated, the personnel who were in charge of the rate have resigned from the district. I am the one who discovered the problem and through due diligence self reported.

I am appealing to the FCC on the grounds I found and dutifully reported the issues and have taken corrective steps to make sure this will not happen in the future. Your understanding and leniency would be greatly appreciated.

If you have any other questions or would like to speak to someone about this letter, please feel free to call 575-894-8152 at any time.

Sincerely,



Mr. Tom Burris

Superintendent

Truth or Consequences Municipal Schools

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**Tom Burris, Superintendent**  
**Loren R. Cushman, Assistant Superintendent**  
**Board of Education**

Ann Filosa – President; Randy Piper - Vice President; Cathy Vickers - Secretary

Louis Schuch – Member; Jay Johnson – Member

Bob Spiller  
USAC OMBUDSMAN

Greetings Bob

I have called a couple of times trying to talk with you. I have a dilemma in the school district in which I am the superintendent. I came to the district in 2008 and over the next year I worked to understand the dynamics of the personnel in the district. In the fall of 2008 I was presented with a contract between Decision Tree and the district for e rate internal connection services. I was told that this was a multiyear contract and it had been through the RFP process. Over the next year I observed and heard conversations about Decision Tree and the services provided. In the fall of 2009 I was presented with another "multiyear" contract with Decision Tree. This time the request had jumped by 50% and there was no new RFP. I began questioning our procedures and ultimately contacted our school district lawyer and the New Mexico State Auditor. I also contacted Funds For Learning and had them perform an audit. I came under quite a bit of criticism for the decision from my "Technology Director" and the "Technology Specialist" who actually completed all of our e rate applications and requirements. They said that E rate had audited the district in early 2008 and found no problems.

The FFL report did point out problems and I reported this to the State Auditor. The State Auditor referred the findings to USAC.

The result was a selective review of the last five years. And, in the interim the Technology Director and the Technology Specialist have both resigned from the district.

The selective review has revealed a myriad of issues and we have been very helpful and compliant in the review. The issue is that USAC may be requesting funds due to the findings of the selective review. We are a small school district and the initial findings of the selective review will be detrimental to kids. I know that you are aware of federal funding issues but the State of New Mexico educational funding is, as has been reported, "In Crisis". I have used attrition to reduce staff, cut some electives and had students pay for educational field trips. The selective review findings could constitute about 1.7% of my budget. I am trying to stay ahead of the declining state budget and this reduction, if required, would impact the school district budget greatly.

I intend to appeal the individual findings of the selective review team. I have made changes in the process and I am confident that we are in compliance. As I stated, the personnel who were in charge of e rate have resigned from the district. I am the one who discovered the problem and through due diligence self reported.

The funds in question were used appropriately and did benefit students. The procedure/documentation was flawed on our part. I do not have a copy of the audit that was done in 2008 but we "passed with flying colors". We are in a very rural area of the state and in some cases that limits vendors. The closest city is Albuquerque which is a 2.5 hour drive. QWEST is our only option for some of our services and in town, WindStream is the only provider. One of the findings is a web site page. I asked the former technology director to look at several of the vendors, which he did, but we are not able to locate the documentation. When he left the district he deleted all of his e mail and cleaned out his office.

I am appealing to USAC on the grounds that I found and dutifully reported the issues and have taken corrective steps to make sure this will not happen in the future. Your understanding and leniency would be greatly appreciated.

Please give me a call when you have a minute!

Sincerely,



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